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**PETITION FOR RECONSIDERATION OF FCC'S APPROVAL FOR NORTH  
AMERICAN NUMBERING PLAN ADMINISTRATOR (NANPA) TO DENY  
CARRIER IDENTIFICATION CODES (CIC'S) TO SWITCHLESS RESELLERS**

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**JUL 16 2002**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Bureau 21, Inc.  
Adelle Simpson  
(T) 205-665-0716  
(F) 205-665-9306

20096 Hwy 139  
Brierfield AL 35035

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**PETITION FOR RECONSIDERATION OF FCC'S APPROVAL FOR NANPA TO  
DENY CARRIER IDENTIFICATION CODES (CIC'S) TO SWITCHLESS  
RESELLERS**

Bureau 21, Inc.  
Adelle Simpson  
(T) 205-665-0716  
(F) 205-665-9306  
[adellesimpson@att.net](mailto:adellesimpson@att.net)

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## INTRODUCTION

Bureau 21, Inc (Bureau 21) is a corporation having a State of California PUC Certificate of Public Convenience and Necessity to Provide InterLATA and IntraLATA Telecommunications Service in California as a Switchless Reseller. Bureau 21 also has a FCC 214 license to resell international services.

Bureau 21 plans to offer intrastate, interstate and international telecommunications service directly to consumers and businesses as part of its business strategy. To fully implement its business strategy Bureau 21 needs a Carrier Identification Code (CIC).

## CIC APPLICATION PROCESS

Review of the CIC application process, CARRIER IDENTIFICATION CODE ASSIGNMENT GUIDELINES INC 95-0127-006, published by the Alliance for Telecommunications Industry Solutions showed that ATIS requires that an applicant for a CIC place a valid order for FGB or FGD access service from a LEC and have that LEC apply for a CIC on the applicant's behalf. Attachment 1 is an excerpt from the ATIS CIC application guidelines including the cover page, Purpose, Procedures for obtaining a CIC and a CIC application form. In the Purpose ATIS notes "These guidelines do not detract from the ability of an appropriate governmental or regulatory agency to exercise authority over any and all issues herein". These ATIS CIC Guidelines are used by North American Numbering Plan Administration (NANPA) to assign CIC's.

Further investigation uncovered FCC Order 00-255 in which, among other directives, the FCC ordered NANPA to eliminate the requirement that carriers purchase Feature Group D access in order to obtain a CIC. Attachment 2 contains excerpts from FCC Order 00-255 including the cover page and multiples statements where the FCC orders NANPA to eliminate the requirement for carriers to purchase Feature Group D access to obtain a CIC.

Several e-mail and telephone conversations with employees of NANPA showed that NANPA rigidly adheres to the ATIS CIC Assignment Guidelines regardless of any order from the FCC. The NANPA employees stated that they had "approval" from the FCC to act thusly. They were unable to provide any written material to support their position. One employee was accommodating enough to suggest that Bureau 21 apply for a CIC as a switchless reseller directly to NANPA so that when NANPA rejected the request, Bureau 21 could appeal that rejection to the FCC.

Attachment 3 is a copy of the CIC application Bureau 21 made to NANPA. Note that Bureau 21 modified the form to include categories for switchless reseller.

Attachment 4 is a copy of the CIC Application rejection letter Bureau 21 received from NANPA.

An additional item to note is that none of the incumbent LEC's is willing to file CIC applications on behalf of any carrier. ALL ILEC's contacted stated that their corporate guidelines no longer allowed them to file CIC application requests on behalf of

## CERTIFICATE OF SERVICE

Ron Conners - Director  
NANPA  
% NEUSTAR  
Suite 400  
1120 Vermont Ave NW  
Washington DC 2005  
(TEL) 202-533-2650  
(FAX) 202-887-0331

Nancy Fears - Manager Numbering  
NANPA  
% NEUSTAR  
Suite 400  
1120 Vermont Ave NW  
Washington DC 2005  
(TEL) 202-533-2653  
(FAX) 202-887-0331

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**CARRIER IDENTIFICATION CODE ASSIGNMENT GUIDELINES**

INC 95-0127-006

Reissued January 7, 2002

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**2.2 Procedures for Obtaining a CIC Assignment**

An entity should use the following procedure when requesting a CIC assignment.

- a) Complete the CIC Application Form. One application form is required per CIC request. The CIC applicant will complete all required entries on the CIC Application Form to the best of his/her knowledge and sign the form.
- b) Contact an access provider and request the assignment of a CIC. The CIC application form must be presented to the access provider when requesting access service.
- c) Place a valid order for FG B or D trunk access service, or FG B translations access service, where available, (depending on the type of CIC being requested) with the access provider, indicating in order of preference, three CIC choices.\*
- d) Provide to the access provider a list of all CICs currently held by the entity (see Section 1.3 for definition of entity), indicating the name of the firm(s) holding the CIC(s) if other than the entity applying for the CIC.

After receipt of a request for a CIC, the access provider will apply to NANPA for a CIC on behalf of the entity, attaching a copy of the written request for access service and the CIC Application Form. NANPA will assign a CIC within 10 working days of receipt of a CIC request from the access provider, and notify the access provider and the entity in writing of the assignment using the CIC Assignment Form. Entity code preference will be honored to the extent possible, and assignments will be made in the order the requests are received.

LECs should apply directly to NANPA for the assignment of CICs and are subject to the CIC assignment principles contained in these guidelines as other entities.

**2.3 Assignments for IRCs and INCs**

International Carriers (INC)s and International Record Carriers (IRC)s will be assigned CICs from the same resource pool as all other access customers. That is, there will be no special block of CICs reserved for code assignments to either INCs or IRCs.

There will be no specific allocation of codes for international services of an entity engaged in both domestic and international carriage.

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\* A request for a CIC may be made by an entity or its authorized agent.

Attachment 2 p.1

**Federal Communications Commission****FCC 00-255**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554**

**[CORRECTED VERSION]**

In the Matter of	)	
	)	
Implementation of the Subscriber Carrier	)	
Selection Changes Provisions of the	)	
Telecommunications Act of 1996	)	
	)	CC Docket No. 94-129
Policies and Rules Concerning	)	
Unauthorized Changes of Consumers	)	
Long Distance Carriers	)	

**THIRD REPORT AND ORDER AND SECOND ORDER ON RECONSIDERATION**

Adopted: July 21, 2000

Released: August 15, 2000

By the Commission:

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Appendix A – Final Rules and Rule Changes

Appendix B - Commenters

## I. INTRODUCTION AND BACKGROUND

1. In this Third Report and Order and Second Order on Reconsideration (Order), we adopt rules proposed in the Second Report and Order and Further Notice of Proposed Rulemaking (*Section 258 Order or Further Notice*)<sup>1</sup> to implement section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996 (1996 Act).<sup>2</sup> Section 258 prohibits any telecommunications carrier from submitting or executing an unauthorized change in a subscriber's selection of a provider of telephone exchange service or telephone toll service.<sup>3</sup> This practice, known as "slamming," enables those companies who engage in fraudulent activity to increase their customer and revenue bases at the expense of consumers and law-abiding companies. The rules we adopt in this Order will improve the carrier change process for consumers and carriers alike while making it more difficult for unscrupulous carriers to perpetrate slams.

<sup>1</sup> *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, Second Report and Order and Further Notice of Proposed Rule Making, 14 FCC Rcd 1508 (1998) (*Section 258 Order or Further Notice*), stayed in part, *MCI WorldCom v. FCC*, No. 99-1125 (D.C. Cir. May 18, 1999) (*Stay Order*), motion to dissolve stay granted, *MCI WorldCom v. FCC*, No. 99-1125 (D.C. Cir. June 27, 2000) (*Order Lifting Stay*).

<sup>2</sup> 47 U.S.C. § 258(a). Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

<sup>3</sup> 47 U.S.C. § 258(a).



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S.761 (E-Sign Act)<sup>8</sup> is intended to foster the development of e-commerce, or commerce conducted electronically over the Internet. To accomplish this goal, the E-Sign Act establishes a framework governing the use of electronic signatures and records in transactions in or affecting interstate and foreign commerce.<sup>9</sup> With certain exceptions not relevant here, the provisions of the E-Sign Act will take effect on October 1, 2000.<sup>10</sup>

5. In this Order, we adopt a number of the proposals discussed in the *Further Notice*, and we also address the remaining issues that were raised on reconsideration of the *Section 258 Order*. Specifically, in this Order, we amend the current carrier change authorization and verification rules to expressly permit the use of Internet Letters of Agency (Internet LOAs) in a manner consistent with the new E-Sign Act;<sup>11</sup> we direct the North American Numbering Plan Administration (NANPA) to eliminate the requirement that carriers purchase Feature Group D access in order to obtain a CIC; we provide further guidance on independent third party verification; we define the term "subscriber;" we require each carrier to submit a bi-annual report on the number of slamming complaints it receives; and we expand the existing registration requirement on carriers providing interstate telecommunications service to the Commission to include additional facts that will assist our enforcement efforts. This Order also contains a Second Order on Reconsideration, in which we uphold our rules governing the submission of preferred carrier freeze orders, the handling of preferred carrier change requests and freeze orders in the same transaction, and the automated submission and administration of freeze orders and changes. In addition, we reaffirm our decision not to preempt state regulations governing verification procedures for preferred carrier change requests that are consistent with the provisions of Section 258. We also decline to adopt a 30-day limit on the amount of time an LOA confirming a carrier change request should be considered valid and instead adopt a 60-day limit. Finally, we clarify certain of our rules regarding the payment of preferred carrier change charges after a slam.<sup>12</sup>

<sup>8</sup> See *Electronic Signatures in Global and National Commerce Act*, S. 761, 106<sup>th</sup> Cong., 2d Sess. (signed into law June 30, 2000).

<sup>9</sup> See E-Sign Act at § 101.

<sup>10</sup> See E-Sign Act at § 107.

<sup>11</sup> See E-Sign Act at §§ 101, 104(e).

<sup>12</sup> In this order, we are not addressing the petitions filed by the Rural LECs and that National Telephone Cooperative Association (NTCA) seeking reconsideration of the rule prohibiting executing carriers from re-verifying properly submitted carrier change requests before executing the requested changes. See *Rural LECs*, Petition for Reconsideration, CC Docket No. 94-129, at 3-10 (filed March 18, 1999); *National Telephone Cooperative Association*, Petition for Reconsideration, CC Docket No. 94-129, at 4-18 (filed March 18, 1999). We note that the Rural LECs filed an *ex parte* submission on June 27, 2000 that raised additional issues. We plan to give these petitions expeditious but thorough attention and to resolve them in the near future. In addition, we are not addressing SBC's petition for reconsideration of our prohibition on the use of carrier change information for marketing purposes, nor are we addressing AT&T's petition for clarification of whether our verification rules apply to initial carrier selections or to carrier selections for newly-installed lines. See *SBC Communications, Inc.*, Petition for Reconsideration and for Clarification, CC Docket No. 94-129, at 13-14 (filed March 18, 1999); *AT&T Corp.*, Petition for Partial Reconsideration, or in the Alternative, for Clarification, CC Docket No. 94-129, at 23-25 (filed March 18, 1999). We also intend to address these petitions in the near future.

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and carrier misidentification.<sup>66</sup> A soft slam is the unauthorized change of a subscriber from its authorized carrier to a new carrier that uses the same CIC. Because the change is not executed by the LEC, which continues to use the same CIC to route the subscriber's calls, a soft slam bypasses the preferred carrier freeze protection available to consumers from LECs. Carrier misidentification occurs because LECs also identify carriers by their CICs for billing purposes. A LEC's call record therefore is likely to reflect the identity of the underlying carrier whose CIC is used, even if the actual service provider is a reseller. As a result, the name of the underlying carrier may appear on the subscriber's bill in lieu of, or in addition to, the reseller with whom the subscriber has a direct relationship. This makes it difficult for consumers to detect a slam and to identify the responsible carrier.

23. We requested comment in the *Further Notice* on three possible approaches to the problems arising from the shared use of CICs: (1) requiring switchless resellers to obtain their own CICs; (2) requiring the use of "pseudo-CICs," digits appended to underlying carriers' CICs to identify resellers; and (3) requiring modification of underlying carriers' systems to prevent soft slams where subscribers have preferred carrier freeze protection, and to permit identification of resellers on bills.<sup>67</sup> The Common Carrier Bureau subsequently released a public notice seeking further information on the first proposal.<sup>68</sup>

24. Discussion. As set forth below, we shall direct the NANPA to eliminate the requirement that carriers purchase "Feature Group D" to obtain CICs. This action will facilitate the assignment of CICs to switchless resellers and remove one obstacle to their independent use of CICs. At the present time, we are not requiring resellers to obtain their own CICs, nor are we adopting either of our other two proposals. Although we believe that requiring switchless resellers to obtain CICs may well be an effective solution to soft slamming and related carrier identification problems, commenters have raised a number of concerns regarding the potential impact of such a requirement on the carrier industry. Based on our review of the record, as discussed herein, we are not persuaded that we should adopt a CIC requirement for switchless resellers at this time. However, in order to continue developing the record, we shall refer the CIC assignment and use issues discussed below to the North American Numbering Council (NANC) for analysis and recommendations. We intend to reevaluate the costs and benefits of the proposed CIC requirement when we receive the NANC's report.

25. Under the current CIC Assignment Guidelines, a carrier must purchase Feature Group D access service to be assigned a CIC.<sup>69</sup> A switchless reseller does not require the physical or trunk access to the public switched telephone network (PSTN) available through the purchase of Feature Group D, and is unlikely to bear the expense simply to obtain a CIC.<sup>70</sup> The NANC's CIC Ad Hoc

<sup>66</sup> See *Further Notice*, 14 FCC Rcd at 1590, 1594-95.

<sup>67</sup> *Further Notice*, 14 FCC Rcd at 1597-1603.

<sup>68</sup> *Common Carrier Bureau Asks Parties to Refresh Record and Seeks Additional Comment on Proposal to Require Resellers to Obtain Carrier Identification Codes*, Public Notice, DA 00-1093, 65 Fed.Reg. 33281 (released May 17, 2000). Comments and replies filed in response to the Public Notice are referred to herein as "Suppl. Comments" and "Suppl. Reply," respectively.

<sup>69</sup> See *CIC Assignment Guidelines*, INC 95-0127-006 at 6.

<sup>70</sup> Our review of the record indicates that switchless resellers that have CICs despite the Feature Group D requirement

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Working Group has recommended elimination of the Feature Group D requirement as "an unnecessary administrative burden for resale providers[.]"<sup>71</sup> [In light of this recommendation, and based on our examination of the record in this proceeding, we direct the NANPA to eliminate the Feature Group D requirement.] This action, which is an aspect of our first proposal, "will facilitate the assignment of CICs to resellers, and thereby allow easier [carrier] identification . . . , enhancing the ability to resolve conflicts, including disputes which involve slamming."<sup>72</sup>

26. Commenters are divided on our proposal to require switchless resellers to obtain their own CICs. Generally, supporters argue that it would be a cost-effective and administratively simple solution to soft slamming and related problems.<sup>73</sup> Opponents raise a number of concerns regarding the impact of a CIC requirement on the carrier industry, including that it would: (1) impose undue financial burdens on resellers and damage them competitively; (2) require expensive and time-consuming LEC switch upgrades; and (3) accelerate exhaustion of the four-digit CIC pool.<sup>74</sup> Opponents also contend that the record contains insufficient evidence of the dimensions of soft slamming and related problems to warrant regulatory action and, in any event, that other recent Commission actions are likely to address such problems.<sup>75</sup> We address these issues in turn below.

27. Turning to the first issue, the principal cost of the subject proposal for a switchless reseller would be deploying or loading a CIC in LEC switches in each LATA where it operates. In this regard, "the use of translations access does not significantly reduce the time or expense required" to deploy a CIC.<sup>76</sup> On a nationwide basis, most estimates of this cost range from

generally obtain them as a result of the purchase of Feature Group D in areas where they operate as facilities-based carriers. See, e.g., U S WEST Comments at 8. See also *infra*, n. 91.

<sup>71</sup> North American Numbering Council Report and Recommendation Regarding Use and Assignment of CICs (February 18, 1998), at 7 ("NANC CIC Report"). The NANC's recommendation represents a consensus within the carrier industry. See *id.* at 3. See also BellSouth Comments at 2; Cable & Wireless Comments at 16; GTE Comments at 5; GVNW Comments at 13-14 (supporting Commission adoption of the NANC's recommendation).

<sup>72</sup> NANC CIC Report at 7. See *Further Notice*, 14 FCC Rcd at 1597-98.

<sup>73</sup> See generally AARP Comments at 3; BellSouth Comments at 1-2; Cable & Wireless Comments at 15-16 and Reply at 5-6; GVNW Comments at 8-15 and Suppl. Comments; Montana PSC Comments at 2; NASUCA Comments at 9-10; NTCA Suppl. Comments; PA Office of Consumer Advocate Suppl. Comments; Sprint Comments at 4-6, Reply at 4-9, and Suppl. Comments; VA State Corp. Comm'n Suppl. Comments.

<sup>74</sup> See generally Allegiance Suppl. Reply; ASCENT (formerly TRA) Comments at 5-12, Reply at 3-14, and Suppl. Comments; AT&T Comments at 36-37, Reply at 20-22, and Suppl. Comments; Ameritech Comments at 8; Bell Atlantic Suppl. Comments; Cincinnati Bell Comments at 2-3; CompTel/ACTA Comments at 11-12; Frontier Comments at 5 and Reply at 1-2; GST Comments at 15-16; GTE Suppl. Comments; Qwest Comments at 8-9; SBC Comments at 5; USTA Suppl. Comments and Suppl. Reply; U S WEST Suppl. Reply; WorldCom (formerly MCI WorldCom) Comments at 16-20, Reply at 18-22 and Suppl. Comments.

<sup>75</sup> See ASCENT Suppl. Comments at 3-7; AT&T Comments at 34-35, 40 and Suppl. Comments at 6-7; Bell Atlantic Suppl. Comments at 3-4; CompTel/ACTA Comments at 11-13; GTE Suppl. Comments at 6-7; USTA Suppl. Comments at 5-6; WorldCom Comments at 14-16 and Suppl. Comments at 9-10. But see GVNW Suppl. Reply at 1-2.

<sup>76</sup> NANC CIC Report at 7. See Bell Atlantic Comments at 3; ASCENT Suppl. Comments at 16-17; Sprint Suppl. Comments at 3. Translations access, also known as "CIC-Redirect," is non-trunk access to the PSTN, accomplished by programming a LEC switch to recognize the reseller's CIC and route traffic to the reseller via the underlying carrier's facilities. See NANC CIC Report at 7; GVNW Suppl. Comments at 8. Translations access has two main cost components: "the Access Service Request ('ASR') fee charged by the underlying facilities-based IXC and the fee charged by the LEC to load the CIC and CIC-Redirect functionality into its switches." *Id.*

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## IV. CONCLUSION

88. In this Order, we amend the current carrier change authorization and verification rules to expressly permit the use of Internet LOAs in a manner consistent with the E-Sign Act. We direct NANPA to eliminate the requirement that carriers purchase "Feature Group D access to obtain CICs, thereby facilitating the assignment of CICs to switchless resellers. We also provide additional guidance on independent third party verification methods. In addition, we define the term "subscriber," establish reporting requirements for all carriers regarding slamming complaints, require all carriers that provide interstate interexchange telecommunications services to submit additional information, in conjunction with existing information collections, that will assist the Commission's enforcement efforts, and create incentives for carriers to avoid doing business with slammers. In the Second Order on Reconsideration portion of this item, we grant in part and deny in part petitions for reconsideration or clarification of the slamming rules adopted in the *Section 258 Order*. In particular, we reaffirm our rules governing the submission of preferred carrier freeze orders, the handling of preferred carrier change requests and freeze orders in the same transaction, and the automated submission and administration of freeze orders and changes. We also decline to adopt a 30-day limit on the time period that an LOA confirming a carrier change request should be considered valid and instead adopt a 60-day limit. Finally, we reaffirm our decision not to preempt state regulations governing verification procedures for preferred carrier change requests that are consistent with the provisions of Section 258, and we clarify certain of our rules regarding the payment of preferred carrier change charges after a slam.

## V. PROCEDURAL MATTERS

## A. Final Regulatory Flexibility Analysis.

89. As required by the Regulatory Flexibility Act (RFA),<sup>246</sup> an Initial Regulatory Flexibility Analysis (IRFA)<sup>247</sup> was incorporated in the *Further Notice* in this proceeding.<sup>248</sup> The Commission sought written public comment on the proposals in the *Further Notice*, including comment on the IRFA. The comments received are discussed below. The instant Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.<sup>249</sup>

## 1. Need For and Objectives of this Action

90. Section 258 of the Act makes it unlawful for any telecommunications carrier "to submit

<sup>245</sup> *Section 258 Order*, 14 FCC Rcd at 1562-3, ¶ 89.

<sup>246</sup> See 5 U.S.C. § 603. The RFA, see 5 U.S.C. § 601 *et. seq.*, was amended by the Contract with America Advancement Act of 1996, Pub. L. 104-121, 110 Stat. 87 (1996) (CWAA). Title II of the CWAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>247</sup> 5 U.S.C. § 603.

<sup>248</sup> *Further Notice*, 14 FCC Rcd at 1626.

<sup>249</sup> See 5 U.S.C. § 604.

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or execute a change in a subscriber's selection of a provider of telephone exchange services or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe." In the *Section 258 Order*, the Commission established a comprehensive framework of rules to implement section 258 and strengthen its existing anti-slamming rules.<sup>250</sup> Concurrent with the release of the *Section 258 Order*, the Commission issued a *Further Notice* seeking comment on a number of additional proposals to further improve the preferred carrier change process and to prevent unauthorized carrier changes. In the instant *Order*, the Commission adopts some of the proposals set forth in the *Further Notice*. Specifically, the Commission: (1) amends the current carrier change authorization and verification rules to expressly permit the use of Internet Letters of Agency (Internet LOAs) in a manner consistent with the new E-Sign Act;<sup>251</sup> (2) directs the North American Numbering Plan Administration (NANPA) to eliminate the requirement that carriers purchase Feature Group D access in order to obtain a carrier identification code (CIC);<sup>252</sup> (3) provides further guidance on the independent third party verification process;<sup>253</sup> (4) defines the term "subscriber" for purposes of its slamming rules;<sup>254</sup> (5) requires each carrier to submit a bi-annual report on the number of slamming complaints it receives;<sup>255</sup> and (6) expands the existing registration requirement on carriers providing interstate telecommunications service to include additional facts that will assist the Commission's enforcement efforts.<sup>256</sup> The objectives of the modified rules adopted in this *Order* are to implement section 258 by improving the preferred carrier change process and strengthening the Commission's framework of anti-slamming rules.

## 2. Summary of Significant Issues Raised by Public Comments in Response to the IRFA.

91. The Commission received no comments directly in response to the IRFA.

92. *Resellers and CICs*. Relying in part on the small size of many resellers, opponents of the Commission's proposal to require switchless resellers to use their own CICs argue that such a requirement would create a substantial market entry barrier for resellers.<sup>257</sup> Others maintain that CIC deployment costs would be manageable for resellers because they typically operate on a regional rather than on a national basis,<sup>258</sup> that such costs may be viewed as "a legitimate cost of

<sup>250</sup> See *Section 258 Order*, 14 FCC Rcd at 1510-12, ¶¶ 1-4. See also *supra*, ¶ 2.

<sup>251</sup> E-Sign Act at §§ 101, 104(e). See *supra*, ¶¶ 6-21.

<sup>252</sup> See *supra*, ¶¶ 22-31.

<sup>253</sup> See *supra*, ¶¶ 33-45.

<sup>254</sup> See *supra*, ¶¶ 46-52.

<sup>255</sup> See *supra*, ¶¶ 53-58.

<sup>256</sup> See *supra*, ¶¶ 59-66.

<sup>257</sup> See ASCENT Suppl. Comments at 22-25; Frontier Comments at 5; Qwest Comments at 8; WorldCom Comments at 18.

<sup>258</sup> See GVNW Suppl. Comments at 9; Sprint Reply at 6; U S WEST Comments at 12.

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requirements that might affect small entities.

110. **Preferred Carrier Changes Using the Internet.** The Commission amends its rules to expressly permit preferred carrier changes to be conducted electronically through the use of Internet Letters of Agency (LOAs). Internet LOAs must comply with all current Commission authorization and verification requirements (as modified), and consumers must have the option of using alternative authorization and verification methods. This action is consistent with the *E-Sign Act's* mandate that electronic signatures and transactions be treated the same as written ones, and will promote consumer convenience and competition by facilitating the use of the Internet for preferred carrier changes.

111. **Resellers and CICs.** The Commission directs the NANPA to eliminate the requirement that carriers purchase "Feature Group D access" to obtain CICs. This action will facilitate the assignment of CICs to switchless resellers and eliminate a financial and administrative obstacle to their independent use of CICs.

112. **Independent Third Party Verification.** The Commission retains the three-way conference call and confirms that automated systems may be used as independent third party verification methods, but requires that the carrier's sales representative drop off the call once the connection has been established between the subscriber and the third-party verifier. This action will ensure the independence of the third party verification process and prevent the carrier's sales representative from improperly influencing subscribers, without burdening the verification process. In addition, the Commission adopts minimum content requirements for third party verification to provide guidance as to what practices are necessary and acceptable, and confirms that automated verification systems that preserve the independence of the third party verification process may be used to verify carrier change requests.

113. **Definition of "Subscriber."** The Commission adopts a definition of the term "subscriber" for purposes of its slamming rules that will allow customers of record to authorize additional persons to make telecommunications decisions, while retaining control over who is authorized to make such decisions on their behalf. The adoption of this definition will benefit all carriers, including small carriers, by providing them with the flexibility to establish authorization procedures appropriate to their own and their customers' needs, consistent with the framework of the Commission's slamming rules.

114. **Submission of Reports by Carriers.** Each carrier is required to submit to the Commission a bi-annual report identifying the number of complaints involving unauthorized changes that it has received, the number that it has investigated and found to be valid, and the number, investigated or not, that it has chosen to resolve directly with consumers. The report also must include the number of slamming complaints involving local intrastate and interstate interexchange service, investigated or not, that the carrier has chosen to resolve directly with subscribers. Because most subscribers who are slammed by an IXC report the slam to their LEC, rather than the IXC, facilities-based LECs should include in their reports the name of the entity against which the complaint is directed and the number of complaints involving unauthorized changes that have been lodged against that entity. These reporting requirements will enable the Commission to identify carriers who repeatedly initiate unauthorized changes, and may induce carriers to reduce slamming on their own to avoid public embarrassment or loss of goodwill.

Attachment 3 p.1

**CARRIER IDENTIFICATION CODE ASSIGNMENT GUIDELINES****INC 95-0127-006  
Revision 9/2001****CIC APPLICATION FORM**

Entities requesting a CIC shall complete the following steps:

- 5007  
7/12/2002
- (a) The entity shall place a valid order for FG B or FG D trunk access service, or FG B translations access service, where available, with an access service provider<sup>4</sup>.
  - (b) If a CIC assignment is being requested, the entity shall complete this form and attach to the request for access service. Use one form per CIC assignment.
  - (c) The access service provider shall submit the CIC Application Form to the administrator, currently North American Numbering Plan administration (NANPA).
  - (d) The CIC administrator shall complete the CIC Assignment Form, within 10 working days from receipt of assignment request from the access service provider. The CIC Assignment Form shall be sent to the entity requesting a CIC and the access service provider.

A CIC assigned to an entity shall be placed in service within 6 months after the assignment date as reported on the CIC Assignment Form. The entity assigned the CIC shall submit the CIC Activation Form to the CIC administrator indicating the date the CIC was activated. If a CIC is not activated within the 6-month period, the assigned CIC may be reclaimed using procedures described in Section 6 of these guidelines. It is understood that the entity will return the CIC to the administrator for reassignment if the resource is no longer in use by the entity, has not been activated within the timeframe specified in these guidelines, or is not being used in conformance with these guidelines.

The entity, access service provider and the CIC administrator acknowledge that the information contained on this application form is sensitive, proprietary and will only be shared with the appropriate administrator and/or regulators.

1. Date of request for access service: \_\_\_\_\_ Date of Request for Reseller Service 03/04/2002
2. Access Customer Name: Bureau 21, Inc.  
Street: 9690 Telstar Avenue, Suite #225  
City: El Monte State: CA Zip Code: 91731  
Telephone: 1 (205) 665-0716 Fax: 1 (205) 665-9306  
Contact Name: Adelle Simpson  
Title: Consultant
3. Access Customer Name Abbreviation (ACNA): BUU

<sup>4</sup> Although LECs are not formal "purchasers" of FG B or FG D access, the CIC Assignment Guidelines do not preclude LECs from being assigned CICs.

Attachment 3 p. 2

**CARRIER IDENTIFICATION CODE ASSIGNMENT GUIDELINES****INC 95-0127-006****Revision 9/2001****4. Type of Request (select one):**

- ☒ First CIC  
☐ Additional CIC  
☐ Information change CIC (go to Section 12 )  
☐ Return CIC (go to Section 11)  
☐ Merger/Acquisition (go to Section 12)

**5. Type of service (select one):**FG B ☐ FG B Translations Access ☐ FG D ☐ Switchless Reseller ☒**6. Does the entity requesting this assignment have any CICs currently assigned?**Yes ☐ No ☒

If yes, please list the CICs currently assigned, specifying whether they are FGB or FGD assignments.

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**7. Does the requesting entity share common ownership or control with other companies (see Section 1.3 of the guidelines)?**Yes ☐ No ☒

If yes, please list the name(s) of all other companies under common ownership or control with the requesting entity.

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**8. If yes to 7, do any of these entities under common ownership or control have CICs?**Yes ☐ No ☐**9. Please provide three code selections in order of preference:**1. 101921 2. 101821 3. 101721**10. If the above codes are not available, may any available code be assigned?**Yes ☒ No ☐



Attachment 3 p 3

**CARRIER IDENTIFICATION CODE ASSIGNMENT GUIDELINES****INC 95-0127-006****Revision 9/2001****11. Code Return Notification:**

The following CIC(s) is being returned to the list of available codes

Effective Date: \_\_\_\_\_

**12. CIC Information Change:**

CIC affected: \_\_\_\_\_

Old Information:

New Information:

_____	_____
_____	_____
_____	_____
_____	_____

Explanation:

_____
_____

Effective Date: \_\_\_\_\_

I hereby certify that the above information is true and accurate to the best of my knowledge, that the assigned CIC will be used in accordance with the *CIC Assignment Guidelines* (INC 95-0127-006) and that this application has been prepared in accordance with the guidelines.

Adelle Simpson  
Signature of Authorized Representative of the CIC Entity

Adelle Simpson, Consultant  
Name/Title

04/12/2002  
Date

Send Application to:

NANPADirector  
1120 Vermont Ave NW, Suite 550 Washington DC 20005  
Phone: 202-533-2650 FAX: 202-887-0331

MAY. 1. 2002 3:30PM

NANPA

NO. 4211 P. 1/2

**NEUSTAR**

Attachment 4 p.1

April 30, 2002

Ms. Adelle Simpson, Consultant  
Bureau 21, Inc.  
9690 Telstar Ave., Suite #225  
El Monte, CA 91731  
FAX 205-665-9306

Dear Ms. Simpson:

At the very end of the business day on 4/12/02 North American Numbering Plan Administration (NANPA) received your application for a FGD CIC assignment for Bureau 21, Inc.

In accordance with the CIC assignment guidelines, in order for an entity to obtain a FG D CIC assignment, it is necessary for you to place a valid order for FG D trunk access service with an access provider (i.e., local exchange carrier). The access service request (ASR) shall then be attached to the completed CIC application form and should be forwarded to NANPA by the access service provider.

If the applicant is a local exchange carrier (LEC), they can apply directly to NANPA by submitting a completed CIC application form and supplying a copy of the entity's Certificate of Public Convenience and Necessity. This document verifies LEC status.

In the past few months Mr. Ron Conners, Director of NANPA, and I have exchanged numerous e-mails with you in which we have outlined the above criteria necessary to obtain a FGD CIC assignment.

Accordingly, since this application was not submitted to NANPA by an access service provider (i.e., local exchange carrier) with an ASR, and since no proof of LEC status has been submitted in the name of the CIC applicant company, this application for a CIC assignment must be denied. This denial in no way affects any re-application for a CIC assignment on your behalf at a later date.

Please be advised that you are always entitled to appeal our denial of this application to the FCC. Pursuant to the FCC's directive to NANPA, we are providing a copy of this

**NEUSTAR**

MAY. 1. 2002 3:30PM

NANPA

NO. 4211 P. 2/2

**NEUSTAR**

NEUSTAR TELECOMMUNICATIONS CORPORATION

A Hachmann 4 p. 2

denial letter to the Common Carrier Bureau staff in our monthly report relating to FGD  
CIC activity.

If you have any questions, please contact me at Tel. 202-533-2653, by e-FAX at 208-  
694-5329 or by e-mail at [nancy.fears@nanpa.com](mailto:nancy.fears@nanpa.com). Thank you.

Sincerely,



Nancy K. Fears  
Manager -- Numbering  
North American Numbering Plan Administration

**NEUSTAR**

**PETITION FOR RECONSIDERATION OF FCC'S APPROVAL FOR NORTH  
AMERICAN NUMBERING PLAN ADMINISTRATOR (NANPA) TO DENY  
CARRIER IDENTIFICATION CODES (CIC'S) TO SWITCHLESS RESELLERS**

Bureau 21, Inc.  
Adelle Simpson  
(T) 205-665-0716  
(F) 205-665-9306

20096 Hwy 139  
Brierfield AL 35035

For Docket 99-200  
Please send receipt.

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**PETITION FOR RECONSIDERATION OF FCC'S APPROVAL FOR NANPA TO  
DENY CARRIER IDENTIFICATION CODES (CIC'S) TO SWITCHLESS  
RESELLERS**

Bureau 21, Inc.  
Adelle Simpson  
(T) 205-665-0716  
(F) 205-665-9306  
[adellesimpson@att.net](mailto:adellesimpson@att.net)

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## INTRODUCTION

Bureau 21, Inc (Bureau 21) is a corporation having a State of California PUC Certificate of Public Convenience and Necessity to Provide InterLATA and IntraLATA Telecommunications Service in California as a Switchless Reseller. Bureau 21 also has a FCC 214 license to resell international services.

Bureau 21 plans to offer intrastate, interstate and international telecommunications service directly to consumers and businesses as part of its business strategy. To fully implement its business strategy Bureau 21 needs a Carrier Identification Code (CIC).

## CIC APPLICATION PROCESS

Review of the CIC application process, CARRIER IDENTIFICATION CODE ASSIGNMENT GUIDELINES INC 95-0127-006, published by the Alliance for Telecommunications Industry Solutions showed that ATIS requires that an applicant for a CIC place a valid order for FGB or FGD access service from a LEC and have that LEC apply for a CIC on the applicant's behalf. Attachment 1 is an excerpt from the ATIS CIC application guidelines including the cover page, Purpose, Procedures for obtaining a CIC and a CIC application form. In the Purpose ATIS notes "These guidelines do not detract from the ability of an appropriate governmental or regulatory agency to exercise authority over any and all issues herein". These ATIS CIC Guidelines are used by North American Numbering Plan Administration (NANPA) to assign CIC's.

Further investigation uncovered FCC Order 00-255 in which, among other directives, the FCC ordered NANPA to eliminate the requirement that carriers purchase Feature Group D access in order to obtain a CIC. Attachment 2 contains excerpts from FCC Order 00-255 including the cover page and multiples statements where the FCC orders NANPA to eliminate the requirement for carriers to purchase Feature Group D access to obtain a CIC.

Several e-mail and telephone conversations with employees of NANPA showed that NANPA rigidly adheres to the ATIS CIC Assignment Guidelines regardless of any order from the FCC. The NANPA employees stated that they had "approval" from the FCC to act thusly. They were unable to provide any written material to support their position. One employee was accommodating enough to suggest that Bureau 21 apply for a CIC as a switchless reseller directly to NANPA so that when NANPA rejected the request, Bureau 21 could appeal that rejection to the FCC.

Attachment 3 is a copy of the CIC application Bureau 21 made to NANPA. Note that Bureau 21 modified the form to include categories for switchless reseller.

Attachment 4 is a copy of the CIC Application rejection letter Bureau 21 received from NANPA.

An additional item to note is that none of the incumbent LEC's is willing to file CIC applications on behalf of any carrier. ALL ILEC's contacted stated that their corporate guidelines no longer allowed them to file CIC application requests on behalf of

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customers. Also, the major interexchange carriers with local networks also refuse to file CIC applications on behalf of a customer. Therefore, the ATIS CIC Applications Guidelines are ensuring that there are no additional competitors added to the USA telecommunications market. ATIS protects itself by having a statement in its CIC Application Guidelines stating that such guidelines can be overridden by a governmental or regulatory agency.

NANPA is the organization that is openly defying FCC Order 00-255.

#### NETWORK IMPLEMENTATION

Bureau 21 is in discussion with multiple facilities-based carriers who offer services to implement reseller CIC's on their networks.

#### DOCKET

This petition needs to be on Docket 99-200 Numbering Resource Optimization so that the Wireline Competition Bureau may review it.

#### REQUEST FOR ACTION

Bureau 21 requests that the FCC order NANPA to issue Bureau 21 a carrier identification code (CIC).

#### BUREAU 21 INFORMATION

Bureau 21, Inc.

Suite #225

9690 Telstar Avenue

El Monte, CA 91731

Contact: Adelle Simpson

(TEL) 205-665-0716

(FAX) 205-665-9306

Company Code: 9847

IAC (ACNA) Code: BUU



## CERTIFICATE OF SERVICE

Ron Conners - Director  
NANPA  
% NEUSTAR  
Suite 400  
1120 Vermont Ave NW  
Washington DC 2005  
(TEL) 202-533-2650  
(FAX) 202-887-0331

Nancy Fears - Manager Numbering  
NANPA  
% NEUSTAR  
Suite 400  
1120 Vermont Ave NW  
Washington DC 2005  
(TEL) 202-533-2653  
(FAX) 202-887-0331

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Attachment 1 p. 1

**CARRIER IDENTIFICATION CODE ASSIGNMENT GUIDELINES**

**INC 95-0127-006**  
**Reissued January 7, 2002**

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Alliance for Telecommunications  
Industry Solutions

*Sponsor of*



Industry Numbering  
Committee

A forum of the Carrier Liaison Committee

1200 G Street NW  
Suite 500  
Washington DC 20005  
[www.atis.org](http://www.atis.org)

**CARRIER IDENTIFICATION CODE**  
**ASSIGNMENT GUIDELINES**

These guidelines are reissued in connection with  
the resolution to INC Issue 321.

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Attachment 1 p. 2

**CARRIER IDENTIFICATION CODE ASSIGNMENT GUIDELINES****INC 95-0127-006**  
**Reissued January 7, 2002**  
**Page 2**

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**CARRIER IDENTIFICATION CODE ASSIGNMENT GUIDELINES****1.0 INTRODUCTION****1.1 Purpose**

This document describes guidelines for the assignment of Carrier Identification Codes (CICs) in the North American Numbering Plan (NANP) area and is a product of industry consensus reached under the aegis of the Industry Numbering Committee (INC) which is a standing committee of the Carrier Liaison Committee (CLC). The document will be maintained by the INC which will, therefore, be responsible for the determination of any necessary changes or updates. These guidelines do not detract from the ability of an appropriate governmental or regulatory agency to exercise authority over any and all issues herein.<sup>1</sup> These guidelines and future changes to these guidelines will be submitted to the agencies for their review. In addition, it should be understood that these guidelines supersede any previously issued CIC assignment guidelines.

These guidelines have been formulated with consideration of the following two legitimate needs. First, the recognition that the CICs represent a finite resource and should, therefore, be used efficiently and conserved to the extent possible; and second, that their prudent use is inherent in the provision of telecommunications services. Therefore, the guidelines should offer the greatest latitude in the provision of telecommunication services, while maintaining the effective management of a finite resource.

The assignment practices detailed in these guidelines apply to the assignment of CICs made directly by North American Numbering Plan Administration (NANPA) to a specific entity. (See Section 2.2 for CIC application procedures). Therefore, the maximum number of CICs an entity may be assigned under these guidelines pertains to the number of CICs the administrator may directly assign to that entity. Accordingly, codes obtained via means other than direct assignment by the NANPA are outside the scope of these assignment guidelines and hence, are not included in the maximum code assignment limits. The requirements specified in these guidelines will apply to all CICs (e.g., the access and usage requirements for retaining CICs) regardless of the manner through which an entity obtained a code.

**1.2 Definition, Use and Background of CICs**

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<sup>1</sup> The Canadian Radio-television and Telecommunications Commission (CRTC) has approved the Canadian Adjunct to the INC Carrier Identification Code (CIC) Assignment Guidelines for the administration of CICs in Canada by the Canadian Numbering Administrator (CNA). The latest version is available at [www.cnac.ca](http://www.cnac.ca).

**CARRIER IDENTIFICATION CODE ASSIGNMENT GUIDELINES**

INC 95-0127-006

Reissued January 7, 2002

Page 8

**2.2 Procedures for Obtaining a CIC Assignment**

An entity should use the following procedure when requesting a CIC assignment.

- a) Complete the CIC Application Form. One application form is required per CIC request. The CIC applicant will complete all required entries on the CIC Application Form to the best of his/her knowledge and sign the form.
- b) Contact an access provider and request the assignment of a CIC. The CIC application form must be presented to the access provider when requesting access service.
- c) Place a valid order for FG B or D trunk access service, or FG B translations access service, where available, (depending on the type of CIC being requested) with the access provider, indicating in order of preference, three CIC choices.\*
- d) Provide to the access provider a list of all CICs currently held by the entity (see Section 1.3 for definition of entity), indicating the name of the firm(s) holding the CIC(s) if other than the entity applying for the CIC.

After receipt of a request for a CIC, the access provider will apply to NANPA for a CIC on behalf of the entity, attaching a copy of the written request for access service and the CIC Application Form. NANPA will assign a CIC within 10 working days of receipt of a CIC request from the access provider, and notify the access provider and the entity in writing of the assignment using the CIC Assignment Form. Entity code preference will be honored to the extent possible, and assignments will be made in the order the requests are received.

LECs should apply directly to NANPA for the assignment of CICs and are subject to the CIC assignment principles contained in these guidelines as other entities.

**2.3 Assignments for IRCs and INCs**

International Carriers (INCs) and International Record Carriers (IRCs) will be assigned CICs from the same resource pool as all other access customers. That is, there will be no special block of CICs reserved for code assignments to either INCs or IRCs.

There will be no specific allocation of codes for international services of an entity engaged in both domestic and international carriage.

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\* A request for a CIC may be made by an entity or its authorized agent.